

P.V3



United States District Court  
for the  
Eastern District of New York

23-CV-4855-EK

Joshua Adam Schultes  
Plaintiff,

Case No. \_\_\_\_\_

- v -

MAAT, Warden, Metropolitan Detention Center (MDC),  
Defendant

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

PURSUANT TO 28 U.S.C. § 2241,  
Petition habeas corpus Challenge to  
conditions of confinement

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## I. The Parties to the Complaint

### A. Plaintiff

Joshua Adam Schulte, #79471054

MDC

P.O. Box 329002

Brooklyn, NY 11232

### B. Defendant

S. Ma'at

Warden, MDC,

United States of America



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## II. Basis for Jurisdiction

Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to challenge unconstitutional conditions of confinement. See, e.g., *Preiser v. Rodriguez*, 411 U.S. 475 (1973)

## III. Prisoner Status - Pretrial Detainee

## IV. Statement of Claim

A. Claim 1: Plaintiff is detained pretrial as a Special Administrative Measures (SAMs) inmate on administrative detention. While detained at MCL, SAMs inmates were given access to roughly half the commissary. When moved to MDC, SAMs inmates were given access to a very small amount of commissary. Then, on January 18, 2023, Warden Ma'at decided the SAMs inmates were not getting tortured enough so restricted their commissary significantly. See Ex. A for pre-1/18/23 commissary and Ex. B for post-1/18/23 commissary; the new commissary is the same used to punish inmates who are detained in disciplinary segregation. Some examples of removed items are: peanut butter, oatmeal, cheese, toothpaste, tea, etc.

This restriction violates federal regulation 28 CFR 541.31(h)(1), which requires administrative detention inmates to have access to general population commissary, whereas (h)(2) details commissary restrictions only to disciplinary segregation. This restriction also violates the Due Process Clause of the Fifth Amendment because it is imposed arbitrarily without any legitimate governmental objective. See *Bell v. Wolfish*, 441 U.S. 520 (1979). There is no reason administrative detention inmates



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should not have access to the full general population commissary — including batteries and a tablet for reading and games.

Plaintiff filed administrative remedies, but never received a response to his BP-8, BP-9, or BP-10; despite requesting a BP-11, he was never provided it; accordingly, all administrative remedies have been exhausted.

B.

Claim 2:

Plaintiff and all administrative segregation inmates were provided access to holiday commissaries at MCC and MDC — until in December of 2022, warden Maat decided they should not get holiday commissary any longer; as a result Plaintiff was unable to shop Christmas Commissary in December or Ramadan Commissary in April. This is similarly a violation of federal regulations and Due Process, see, supra.

Plaintiff filed administrative remedies, and actually received a response to his BP-9 whereby the warden declared that Plaintiff had access to holiday commissary despite the clear facts to the contrary — Trust Fund records clearly indicate that neither Mr. Schulte nor any other SAMs inmates had access to purchase holiday commissary. The BP-10 was not answered, and Mr. Schulte was unable to receive a BP-11; accordingly, all administrative remedies have been exhausted.

## V. Requested Relief

A. Claim one: Order the BOP to supply administrative segregation inmates with access to the complete full general population commissary

B. Claim two: Order the BOP to ensure administrative segregation inmates



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have full and complete access to holiday commissary as general population; and order the BOP to make-up the missed Christmas and Ramadan holiday commissaries by purchasing and providing that commissary to Plaintiff and any others effected.

## VI Exhaustion of Administrative Remedies

As discussed, supra, all administrative remedies were exhausted. BP-8, 9, 10, were filed and either denied or not returned within the allotted time. The MDC refused to provide central office BPR1 administrative remedies, which were therefore unavailable. Accordingly, all available administrative remedies have been exhausted.

## VII Previous Lawsuits

No previous lawsuits have ever been dismissed based on "three strikes" rule.

## VIII Certification and Closing

Under Fed. R. Civ. P. 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose; (2) is supported by existing law; (3) the factual contentions have evidentiary support; and (4) the complaint otherwise complies with Rule 11.

I also agree to provide the clerk's office with any address changes. I understand that failure to do so may result in the dismissal of my case.

Dated: June 21, 2023  
Brooklyn, NY

Josh Schultz, prose  
J. S.



EXHIBIT  
A



MDC BROOKLYN  
COMMISSARY LIST  
K-84 INMATES

(INMATE NUMBER)

UNIT

(INMATE NAME)

CELL #

SUBSTITUTE ITEMS

YES NO

(INMATE SIGNATURE)

WORK DETAIL

LIST ITEMS ON OTHER SIDE

ALL SALES ARE FINAL. ONCE YOU LEAVE THE DELIVERY AREA, NO CHANGES WILL BE ACCEPTED. THE SPENDING LIMIT IS \$160.00 PER SHOP.  
PRICES ARE SUBJECT TO CHANGE WITHOUT PRIOR NOTICE. STAMPS, COPY CARDS AND O.T.C. MEDICATIONS ARE EXEMPT FROM THE \$160.00 SPENDING LIMIT.  
K=KOSHER/ D=DAIRY/ U=ORTHODOX UNION/ P=PAREVE/ H=HALAL M=HALAL/ C=HALAL/ KS=KOSHER/ G=GLATT/ ♡=HEALTHY CHOICE

QTY	STAMPS	PRICE	LIMIT	QTY	COPY CARD/MISC ITEMS	PRICE	LIMIT
	FIRST CLASS DOMESTIC STAMP	0.55	20		GREETING CARD, BLANK [PK OF 6]	2.35	1
QTY	DRINKS	PRICE	LIMIT	QTY	DRINKS	PRICE	LIMIT
***LIMIT FOR SODAS & WATER IS 1.6PK PER SHOP***							
	WATER, 6 PACK [K] ♡	4.50	*		COLOMBIAN COFFEE [K]	3.50	2
	JOLLY RANGER	1.10	2		NONDAIRY CREAMER [D]	1.35	2
	DECAFFEINATED COFFEE [K]	3.55	1		SWEETMATE SWEETENER [U,P]	1.80	1
	HOT COCOA, SUGAR FREE [D,U] ♡	2.85	2		LIPTON TEA BAG [U]	2.60	1
	HERBAL TEA, ASSORTED ♡	3.55	1	QTY	SNACKS / CANDY / RICE / SOUPS	PRICE	LIMIT
QTY	FOODS / CONDIMENTS / MEALS	PRICE	LIMIT		OATMEAL COOKIES ICED [U,D]	2.50	2
	SUGAR FREE HONEY	3.8	1		GRANOLA BARS, VARIETY ♡	3.30	2
	MAYONNAISE [U]	3.80	1		CASHEWS [K] ♡	4.80	2
	PEANUT BUTTER [U]	3.65	2		UNSALTED PEANUTS [K] ♡	2.80	2
	VELVEETA CHEESE BLOCK	3.70	2		DELUXE MIXED NUTS [K] ♡	3.55	2
	WHITE TUNA POUCH [U,P] ♡	3.45	2		SNICKER'S BAR, 6/PK [D,U]	7.60	2
	OATMEAL, ASSORTED [D,U] ♡	3.00	2		SUGAR FREE CANDY [D,U]	3.40	2
	SUMMER BEEF SAUSAGE LOG	2.25	3		FLOUR TORTILLAS [K]	2.15	2
	MOZZARELLA CHEESE [H]	1.55	2		MACKERAL FILLETS POUCH [U,P] ♡	1.35	4
	SALT & PEPPER SHAKERS [U]	2.95	1		EGGPLANT PARMESAN MEAL [U,K,P]	5.00	5
	TURKEY LOG, HONEY PEPPER	2.25	5		DARK CHOCOLATE BAR [U,P]	2.25	2
	WHITE CHICKEN POUCH ♡	3.85	2		PROTEIN NUTRITION BAR ♡	1.75	5
	HOT & SPICY BEEF SAUSAGE LOG [H]	2.55	3	QTY	HEALTH / HYGIENE / SUNDRY	PRICE	LIMIT
	SPAM POUCH	1.50	2		COTTON SWAB	1.10	1
	HOT CHILI W/BEANS POUCH	2.00	3		COCOA BUTTER STICK	1.60	1
	TURKEY & SWISS STICK	1.50	5		PALM BRUSH	0.50	1
	CLUB CRACKERS [K,D]	6.00	2		PLAYING CARDS, RED & BLUE	2.80	1
	UNSALTED CRACKERS [U,D] ♡	1.95	2		9 X 12 ENVELOPE	0.25	5
	COLOSSAL BERRY CRUNCH [U]	2.80	2		ENVELOPE, WHITE, BOX OF 50	1.75	1
QTY	SUNDRIES / MISCELLANEOUS	PRICE	LIMIT	QTY	O.T.C. MEDICATIONS	PRICE	LIMIT
	PHOTO ALBUM	2.80	1		MAX STRENGTH ANTACID	3.35	1
QTY	HEALTH / HYGIENE / SUNDRY	PRICE	LIMIT		BAYER ASPIRIN, 325MG, 24 CT	4.10	1
	CLOSE-UP TOOTHPASTE	2.80	1		LOPERAMIDE 2MG, 12 CT	1.40	1
	COLGATE W/TARTAR CONTROL	3.65	1		LORATADINE ALLERGY 10MG 30 TAB	3.15	1
	SENSODYNE TOOTHPASTE	9.30	1		PEPTO BISMOL TABLETS, 30 CT	7.40	1
	TOOTHBRUSH HOLDER	0.50	1		LACTASE ENZYME CAPLETS, 32 CT	6.95	1
	TOOTHBRUSH	0.85	1		VITAMIN C, 500MG, 100 CT	3.25	1
	DIAL SOAP	1.30	2		MULTIVITAMINS, 100 CT	2.55	1
	DOVE SOAP	2.15	2		VITAMIN E, 100 IU, 100 CT	3.50	1
	LADIES DEODORANT	2.45	1		VITAMIN D3, 400IU, 100 CT	2.95	1
	MALE DEODORANT	3.50	1		BLISTEX	2.60	1
	DANDRUFF SHAMPOO	8.90	1		IBUPROFEN, 200mg, 50 CT	2.60	1
	H.E 3 IN ONE (HAIR, BODY, SHAMPOO)	6.20	1		ALEVE, 220mg, 24 CT	6.50	1
	HAIR CONDITIONER	5.35	1				
QTY	O.T.C. MEDICATIONS	PRICE	LIMIT				
	HALLS COUGH DROPS	2.75	1				
	ARTIFICIAL TEARS	2.25	1				
	DOCUSATE, 100MG STOOL SOFTENER	2.70	1				
	AMMONIUM LACTATE 12% LOTION	6.55	1				
	CLORTRIMAZOLE CREAM	1.60	1				
	HYDROCORTISONE CREAM	1.80	1				
	GENERIC LAMASIL 1%	10.40	1				
	DYNAREX A&D OINTMENT, 4 OZ	3.65	1				
	COUGH SYRUP, 4OZ	4.95	1				
QTY	RELIGIOUS ITEMS	PRICE	LIMIT				
	PRAYER RUG *	8.75	1				
	KUFI, WHITE [MALE ONLY] *	2.50	1				
	PRAYER OIL	3.25	1				

INMATES MUST BE LISTED IN SENTRY TO PURCHASE THESE ITEMS (\*)

## GENERAL INFORMATION

1. THE COMMISSARY SHOPPING SCHEDULE IS POSTED IN THE TRULINCS BULLETIN BOARD. ITEMS MAY BE LIMITED WITHOUT PRIOR NOTICE. STAMPS, COPY CARDS & OTC MEDS WILL NOT AFFECT THE LIMIT.
2. ALL COMMISSARY CONCERNS SHOULD BE ADDRESSED USING THE BRO/INMATE TO COMMISSARY MAILBOX IN TRULINCS.
3. DAMAGED MP3 PLAYERS, WATCHES, RADIOS AND HEADPHONES MAY BE RETURNED TO THE MANUFACTURER PER THE WARRANTY, BUT WILL NOT BE AUTHORIZED FOR RETURN TO THE INSTITUTION.
4. ONE ADDITIONAL DELIVERY ATTEMPT WILL BE MADE FOR THOSE INMATES WHO ARE NOT IN THEIR HOUSING UNIT AT THE TIME OF THE SCHEDULED DELIVERY. THE SECOND ATTEMPT WILL BE MADE THE FOLLOWING BUSINESS DAY.
5. THE PRICES FOR THE SWEATSUITS, T-SHIRTS AND SHORTS SIZES 5X-10X ARE HIGHER THAN SMALLER SIZES. CONTACT THE COMMISSARY FOR PRICING.
6. WATCHBANDS [\$9.05] AND WATCH BATTERIES [CR2016, CR2025 & CR2032] ARE AVAILABLE UPON REQUEST.
7. INMATES MAY HAVE IN THEIR POSSESSION ONLY 1 EACH OF THE LISTED ITEMS [RADIO, MP3 PLAYER, SNEAKERS, WATCH, MASTERLOCK AND SWEATSUIT] AT A TIME.



EXHIBIT

B



MDC BROOKLYN  
COMMISSARY LIST

K-84

COMMISSARY LIST as of 01/18/2023

(INMATE NUMBER)

(INMATE NAME)

(INMATE SIGNATURE)

UNIT

CELL #

WORK DETAIL

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QTY	STAMPS	PRICE	LIMIT
20	FIRST CLASS DOMESTIC STAMP	0.50	1
	FIRST CLASS GLOBAL STAMP	1.15	10
	FIVE CENT STAMP	0.05	10
QTY	SUNDRY	PRICE	LIMIT
	9 X 12 ENVELOPE	0.20	5
	ENVELOPE, WHITE, BOX OF 50	1.75	1
QTY	O.T.C. MEDICATIONS	PRICE	LIMIT
1	IBUPROFEN or ACETAMINOPSE	2.55	1
	ALLERGY TABLETS, 10MG, 30 CT	3.15	1
	HALLS COUGH DROPS	2.50	2
QTY	VITAMINS	PRICE	LIMIT
1	VITAMINS MUTLT, 100 CT	2.50	1
QTY	HEALTH / HYGIENE	PRICE	LIMIT
	COCOA BUTTER STICK	1.60	1
	DEODORANT LADIES	2.45	1
	DEODORANT MALE	3.50	1
	SOAP DIAL	1.30	2
	SOAP DOVE	2.15	2
QTY	FOOD/SNACK	PRICE	LIMIT
3	FLOUR TORTILLAS [K]	1.95	1
	CEREAL CINNAMON TOASTERS	5.65	1
	CHICKEN POUCH ©	3.85	2
	MACKERAL FILLETS POUCH [U,P] ©	1.00	2
	TUNA POUCH [U,P] ©	3.05	2
	TURKEY & SWISS STICK	1.50	2
	TURKEY LOG	2.50	2
1	DELUXE MIXED NUTS [K] © Cajun	3.55	1
1	UNSALTED CRACKERS [U,D] © Tostitos	1.80	1
1	UNSALTED PEANUTS [K] © Honey	2.80	1
	PROTEIN NUTRITION BAR	1.75	2

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D. STOUT, AW (O)

S. MA'AT, WARDEN



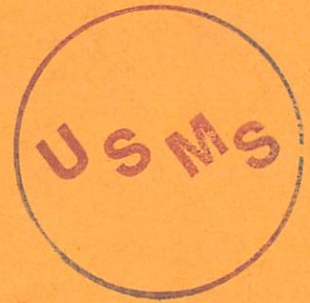
MDC

P.O. Box 329002

Brooklyn, NY 11232



ATTN: New Prisoner Civil Rights Complaint  
Pro Se Intake Office  
U.S. District Court EDNY  
225 Culman Plaza East  
Brooklyn, NY 11201



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